



orney's Docket No.: 14184-008001

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1636
TECH CENTER 1600/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert W. Busby et al.

Art Unit : 1636

Serial No. : 09/487,558

Examiner : K. Davis

Filed : January 19, 2000

Title : METHODS FOR IMPROVING SECONDARY METABOLITE PRODUCTION
IN FUNGI

Commissioner for Patents
Washington, D.C. 20231

#33/E
7/16/03
G-1-03

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 26, 2003, applicant elects the invention of Group I, claims 104-109, 113, 119, 144-148, 150-153, 156, 157 and 160 drawn to a "method for modulating the production of a secondary metabolite, specifically a polyketide, by over-expressing a gene in a fungus. The election is made with traverse. The Examiner asked that if Applicant elects a Group that includes claim 104, 108 or 150, Applicant select one of the listed genes in each claim. Applicant elects creA. This election is made without traverse.

Applicant respectfully requests that Groups II, VI, and VII be examined together with Group I. The claims in Group II, claims 104-108, 110, 113, 119, 144-148, 150-153, 156, 157 and 161, are drawn to a method for modulating the production of a polyketide by conditionally expressing a gene. Applicant believes that these claims should be examined together with the claims of Group I because overexpression and conditional expression both relate to the expression level of the selected gene. In both cases the expression level of the gene is altered. Thus, the methods are not unrelated, as suggested by the examiner. Accordingly examination of the claims will be more efficient if Groups I and II are examined together. The claims in Groups VI and VII are related to methods for producing a fungal cell with improved polyketide production and the resulting cells by transforming the cells with a nucleic acid encoding a

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Carrie A. Amonte
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Applicant : Robert W. B et al.
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Page : 2 of 2

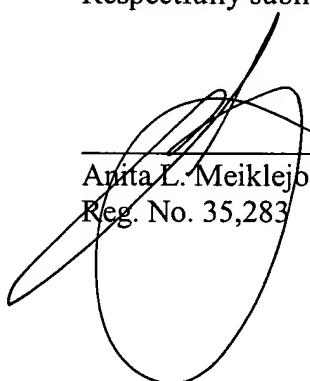
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particular protein. In the case of Group VI, the method includes transforming the cells with an overexpressed gene. In the case of Group VII, the method includes transforming the cells with a conditionally expressed gene. The claims in Group VI are closely relate to the claims in Group I and the claims in Group VII are closely related to the claims in Group II. Accordingly, prior art searching and examination of the claims in Groups I, II, VI, and VII will be more efficient if the Groups are examined together.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 24 APRIL 2003


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Serial No. : 09/487,558 Examiner : K. Davis
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PRELIMINARY AMENDMENT

Prior to examination, please amend the application as indicated on the following pages.
Applicant asks that all claims be examined in view of the amendment to the claims and remarks
contained on the following sheets, a total of 7 pages.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 24 APR 2003


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